

**AFFIDAVIT ACCOMPANYING MOTION FOR
PERMISSION TO APPEAL IN FORMA PAUPERIS**
United States Court of Appeals
for the Seventh Circuit

FILED

MAR 10 2016

3-10-2016
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Simeon Amen Ra,
Ex Rel Simeon Lewis

v. Case No. 14-CV-07173BNSF Railway

) Appeal from the United States District Court for the
) Northern District of Illinois Eastern
)
) District Court No. 14-CV-7173
)
) District Court Judge John Z. Lee

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Simeon Amen Ra**Instructions**

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 3-9-16My issues on appeal are: Constitutional Violations

1. Courts ruling violates Plaintiffs 5th 14th Amendments — Procedural Due Process, Equal Protection of law
2. 7th Amendment — Jury trial
3. Deprivation of rights under color of law — Ruling not made based on Statutory Law, Bias, class based mistreatment

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source Average monthly amount during the past 12 months Amount expected next month

Income source	You	Spouse	You	Spouse
Employment	\$6,800	\$ NA	\$ 0	\$ NA
Self-employment	\$ 0	\$ NA	\$ 0	\$ NA
Income from real property (such as rental income)	\$ 0	\$ NA	\$ 0	\$ NA
Interest and dividends	\$ 0	\$ NA	\$ 0	\$ NA
Gifts	\$ 0	\$ NA	\$ 0	\$ NA
Alimony	\$ 0	\$ NA	\$ 0	\$ NA
Child support	\$ 0	\$ NA	\$ 0	\$ NA
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ NA	\$ 0	\$ NA
Disability (such as social security, insurance payments)	\$ 0	\$ NA	\$ 0	\$ NA
Unemployment payments	\$ 0	\$ NA	\$ 0	\$ NA
Public-assistance (such as welfare)	\$ 0	\$ NA	\$ 0	\$ NA
Other (specify): <u>Rail Road Sick benefits</u>	\$ 0	\$ NA	\$900. ⁰⁰	\$ NA
Total monthly income:	\$660.⁰⁰	\$ NA	\$900.⁰⁰	\$ NA

spouse and I are separated

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
BNSF Railway	5601 W. 26 th ST.	10/22/93	See attached doc explains fraudulent IRS Levy/garnishment

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA	Spouse and I are		
	separated		

4. How much cash do you and your spouse have? \$ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
NA			

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other real estate (Value)	Motor Vehicle #1 (Value)
NA		Make & year: _____
		Model: _____
		Registration # _____
Motor Vehicle #2 (Value)	Other assets (Value)	Other assets (Value)
Make & year: _____	_____	_____
Model: _____	_____	_____
Registration # _____	_____	_____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
---------------------------------------	--------------------	----------------------------

<u>NA</u>		

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>Syeed Lewis</u>	<u>Son</u>	<u>16</u>
<u>Seon Lewis</u>	<u>Son</u>	<u>15</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$ <u>1,600.⁰⁰</u>	\$ <u>NA</u>
Are real estate taxes included? [] Yes [X] No		
Is property insurance included? [] Yes [X] No		
	<u>Home in foreclosure</u>	
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>500.⁰⁰</u>	\$ <u>NA</u>
Home maintenance (repairs and upkeep)	\$ <u>Ø</u>	\$ <u>NA</u>
Food	\$ <u>200.⁰⁰</u>	\$ <u>NA</u>
Clothing	\$ <u>Ø</u>	\$ <u>NA</u>
Laundry and dry-cleaning	\$ <u>100.⁰⁰</u>	\$ <u>NA</u>
Medical and dental expenses	\$ <u>Ø</u>	\$ <u>NA</u>
Transportation (not including motor vehicle expenses)	\$ <u>Ø</u>	\$ <u>NA</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>Ø</u>	\$ <u>NA</u>
Insurance (not deducted from wages or included in mortgage payments)	\$ <u>Ø</u>	\$ <u>NA</u>
Homeowner's or renter's		

Separated

Life	<i>lost insurance policy</i>	\$ <u>0</u>	\$ <u>NA</u>
Health	<i>200.00</i>	<i>plus copay</i> \$ <u>15-30</u>	\$ <u>NA</u>
Motor vehicle		\$ <u>107.00</u>	\$ <u>NA</u>
Other:		\$ <u>0</u>	\$ <u>NA</u>
Taxes (not deducted from wages or included in mortgage payments) (specify):		\$ <u>0</u>	\$ <u>NA</u>
Installment payments		\$ <u>0</u>	\$ <u>NA</u>
Motor Vehicle	<i>repo status</i>	\$ <u>910.00</u>	\$ <u>490.00</u> <i>repo status</i>
Credit card (name):		\$ <u>0</u>	\$ <u>NA</u>
Department store (name):		\$ <u>0</u>	\$ <u>NA</u>
Other:		\$ <u>0</u>	\$ <u>NA</u>
Alimony, maintenance, and support paid to others	<i>child support</i>	\$ <u>850.00</u>	\$ <u>NA</u>
Regular expenses for operation of business, profession, or farm (attach detail)		\$ <u>0</u>	\$ <u>NA</u>
Other (specify):		\$ <u>0</u>	\$ <u>NA</u>
Total monthly expenses:		\$ <u>3300.00</u>	\$ <u>NA</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

[] Yes [X] No If yes, describe on an attached sheet. *on sick leave*

10. Have you paid-or will you be paying-an attorney any money for services in connection with this case, including the completion of this form?

[] Yes [] No If yes, how much? \$ 0

If yes, state the attorney's name, address, and telephone number:

11. Have you paid-or will you be paying-anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

[] Yes ☒ No If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

See attached explanation

13. State the address of your legal residence.

7236 S. Michigan Ave
Chicago Illinois 60619

Your daytime phone number: *(773) 648-1317*

Your age: *45* Your years of schooling: *12*

Your social-security number: *NA*

Simeon Amen Ra v BNSF RAILWAY

14-CV-07173 on appeal, Case: 16-1444

Plaintiff submits the following documents in support of pauper's petition

These pay stubs list the gross earnings at the top right corner.

Plaintiff's pay stubs show unlawful IRS Levy amounts taken at 85%. This began 04/24/15 and is still continuing.

1. 04/24/15-take home pay \$ 231.17
2. 05/08/15-take home pay \$ 179.17
3. 12/23/15- take home pay \$ 231.17. Total unlawfully taken in 2015 is \$31,152.43
4. 02/10/16-take home pay \$ 431.25
5. 02/25/16- take home pay \$ 233.25. Total taken year to date for 2016 \$6,645 and counting.

Plaintiff is on an medical leave of absence that began on 02/15/16, and I have not received my first sick benefit check from Rail Road Retirement I can only estimate the amount of benefits to be \$600-850 monthly.

BNSF Railway Company									
PO Box 1733 Topeka KS 66601		Personnel Number : 07440308			Pay Area		PAYMENT SUMMARY		
		Amen Ra. Simeon Washa			OB				
Pay Period 04/01/2015 to 04/18/2015		Tax	Status	Exemption	Addl. Taxes	Total Gross Earnings 4,894.26 Total Taxes -1,764.92 Total Before Tax Deductions -198.00 Total After Tax Deductions -2,931.34			
Pay Date 04/24/2015		FED IL	S S	CO CO	0.00 0.00	NET PAY 0.00			
GROSS EARNINGS						TAXES			
Straight Time		Hours	Rate	Current		Federal FED	Current	Year-To-Date	
Overtime				2,471.52		Withholding Tax	999.42	7,228.34	
Misc. Other Pay				1,337.74		EE Railroad Rtmt Tier1	291.17	2,156.49	
Extra Board Guarantee				467.12		EE Railroad Rtmt Tier2	230.12	1,704.32	
				617.88		EE Medicare Tax	98.10	504.34	
						State IL			
						Withholding Tax	176.11	1,304.33	
TOTAL GROSS EARNINGS				4,894.26		TOTAL TAXES		1,764.92	
								12,897.82	
BEFORE TAX DEDUCTIONS						AFTER TAX DEDUCTIONS			
Sch Medical - Pre-Tax		Current	Year-To-Date			Union Dues BLET- 458	Current	Year-To-Date	
		198.00	792.00			Union Dues UTU - 171		347.00	
						Child Support	300.00	152.00	
						IRS Federal Tax Levy	2,397.67	2,400.00	
						Support Fee	2.50	2,397.67	
						Additional Bank Deposit(s)	231.17	20.00	
TOTAL BEFORE TAX DEDUCTIONS				198.00	792.00	TOTAL AFTER TAX DEDUCTIONS		2,931.34	
								5,316.67	
Messages:						YTD Federal Tax Base 34,782.07 YTD Tier I Tax Base 34,782.07 YTD Tier II Tax Base 34,782.07			

* Indicates Prior Period Amount(s)
 # Not included in Gross but taxed

RETAIN THIS STATEMENT FOR YOUR RECORDS

BNSF RAILWAY COMPANY

MM	DD	YYYY
04	24	2015

SIMEON WASHA AMEN RA
 P.O. BOX 199273
 CHICAGO IL 60619-1016

Average Take
 Home

Deposit Amount
\$231.17

BNSF Railway Company

PO Box 1738 Topeka KS 66601		Personnel Number : 07440308		Pay Area		PAYMENT SUMMARY	
		Amen Ra, Simeon Washa		OE		Total Gross Earnings 4,495.92 Total Taxes -1,676.17 Total Before Tax Deductions 0.00 Total After Tax Deductions -2,819.75	
Pay Period 04/16/2015 to 04/30/2015		Tax	Status	Exemption	Addl. Taxes		
Pay Date 05/08/2015		FED IL	S S	00 00	0.00 0.00	NET PAY 0.00	
GROSS EARNINGS						TAXES	
Hours Rate Current Straight Time 2,471.52 Overtime 1,406.52 Extra Board Guarantee 617.88				Federal FED Withholding Tax 943.33 EE Railroad Rtmt Tier1 278.75 EE Railroad Rtmt Tier2 220.30 EE Medicare Tax 65.19 State IL Withholding Tax 168.60			
TOTAL GROSS EARNINGS 4,495.92				TOTAL TAXES 1,676.17 14,573.99			
BEFORE TAX DEDUCTIONS						AFTER TAX DEDUCTIONS	
Current Year-To-Date Sch Medical - Pre-Tax 792.00				Current Year-To-Date Union Dues BLET- 458 106.00 453.00 Union Dues UTU - 171 152.00 Child Support 300.00 2,700.00 IRS Federal Tax Levy 1,982.08 4,379.75 Support Fee 2.50 22.50 Additional Bank Deposit(s) 429.17			
TOTAL BEFORE TAX DEDUCTIONS 0.00 792.00				TOTAL AFTER TAX DEDUCTIONS 2,819.75 7,707.25			
Messages:						YTD Federal Tax Base 39,277.99 YTD Tier I Tax Base 39,277.99 YTD Tier II Tax Base 39,277.99	

* Indicates Prior Period Amount(s)
 # Not included in Gross but taxed

RETAIN THIS STATEMENT FOR YOUR RECORDS

BNSF RAILWAY COMPANY

MM	DD	YYYY
05	08	2015

SIMEON WASHA AMEN RA
 P.O. BOX 199273
 CHICAGO IL 60619-1016

took home

Deposit Amount
\$179.17

BNSF Railway Company							
PO Box 1738 Topeka KS 66601		Personnel Number : 07440308		Pay Area		PAYMENT SUMMARY	
		Amen Ra, Simeon Washa		OE		Total Gross Earnings 4,433.44 Total Taxes -1,353.22 Total Before Tax Deductions -198.00 Total After Tax Deductions -2,651.05	
Pay Period 12/01/2015 to 12/15/2015		Tax	Status	Exemption	Addl. Taxes		
Pay Date 12/23/2015		FED IL	S S	00 00	0.00 0.00	NET PAY 231.17	
GROSS EARNINGS					TAXES		
	Hours	Rate	Current		Federal FED	Current	Year-To-Date
Straight Time			2,471.52		Withholding Tax	870.39	20,418.57
Overtime			1,344.04		EE Railroad Rtmt Tier1	262.59	6,182.51
Extra Board Guarantee			617.88		EE Railroad Rtmt Tier2		4,321.80
					EE Medicare Tax	61.41	1,445.91
					State IL		
					Withholding Tax	158.83	3,739.44
TOTAL GROSS EARNINGS				4,433.44	TOTAL TAXES 1,353.22 36,108.23		
BEFORE TAX DEDUCTIONS					AFTER TAX DEDUCTIONS		
		Current	Year-To-Date			Current	Year-To-Date
Sch Medical - Pre-Tax		198.00	2,376.00		Union Dues BLET- 458		1,195.00
					Union Dues UTU - 171		152.00
					Child Support	300.00	7,200.00
					IRS Federal Tax Levy	2,348.55	33,152.43
					Support Fee	2.50	60.00
TOTAL BEFORE TAX DEDUCTIONS				198.00 2,376.00	TOTAL AFTER TAX DEDUCTIONS 2,651.05 41,759.43		
Messages:					YTD Federal Tax Base 99,717.96 YTD Tier I Tax Base 99,717.96 YTD Tier II Tax Base 88,200.00		

* Indicates Prior Period Amount(s)

Not included in Gross but taxed

RETAIN THIS STATEMENT FOR YOUR RECORDS

BNSF Railway Company						
PO Box 1738 Topeka KS 66601		Personnel Number : 07440308		Pay Area		PAYMENT SUMMARY
		Amen Ra, Simeon Washa		OE		Total Gross Earnings 4,000.12 Total Taxes -1,455.66 Total Before Tax Deductions 0.00 Total After Tax Deductions -2,113.21
Pay Period 01/16/2016 to 01/31/2016		Tax	Status	Exemption	Addl. Taxes	
Pay Date 02/10/2016		FED IL	S S	00 00	0.00 0.00	NET PAY 431.25
GROSS EARNINGS					TAXES	
	Hours	Rate	Current		Current	Year-To-Date
Straight Time			2,059.60	Federal FED		
Overtime			1,108.46	Withholding Tax	803.65	2,471.25
Personal Leave			205.96	EE Railroad Rtmt Tier1	248.00	757.37
Extra Board Guarantee			626.10	EE Railroad Rtmt Tier2	196.01	598.57
				EE Medicare Tax	58.00	177.13
				State IL		
				Withholding Tax	150.00	458.08
TOTAL GROSS EARNINGS			4,000.12	TOTAL TAXES		1,455.66 4,462.40
BEFORE TAX DEDUCTIONS					AFTER TAX DEDUCTIONS	
	Current	Year-To-Date		Current	Year-To-Date	
Sch Medical - Pre-Tax		198.00		Union Dues BLET- 458	106.00	212.00
				Child Support	300.00	900.00
				IRS Federal Tax Levy	1,704.71	5,538.07
				Support Fee	2.50	7.50
TOTAL BEFORE TAX DEDUCTIONS			0.00 198.00	TOTAL AFTER TAX DEDUCTIONS		2,113.21 6,657.57
Messages:				YTD Federal Tax Base 12,215.72 YTD Tier I Tax Base 12,215.72 YTD Tier II Tax Base 12,215.72		

* Indicates Prior Period Amount(s)

Not included in Gross but taxed

RETAIN THIS STATEMENT FOR YOUR RECORDS

BNSF Railway Company						
PO Box 1738 Topeka KS 66601		Personnel Number : 07440308		Pay Area		PAYMENT SUMMARY
		Amen Ra, Simeon Washa		OE		Total Gross Earnings 3,689.66
Pay Period 02/01/2016 to 02/15/2016		Tax	Status	Exemption	Addl. Taxes	Total Taxes -1,242.43
						Total Before Tax Deductions -198.00
Pay Date 02/25/2016		FED IL	S S	00 00	0.00 0.00	Total After Tax Deductions -2,015.98
						NET PAY 233.25
GROSS EARNINGS					TAXES	
	Hours	Rate	Current		Current	Year-To-Date
Straight Time			1,853.64	Federal FED		
Overtime			1,066.57	Withholding Tax	673.28	3,144.53
Personal Leave			205.96	EE Railroad Rtmt Tier1	216.49	973.86
Extra Board Guarantee			563.49	EE Railroad Rtmt Tier2	171.09	769.66
				EE Medicare Tax	50.63	227.76
				State IL		
				Withholding Tax	130.94	589.02
TOTAL GROSS EARNINGS			3,689.66	TOTAL TAXES 1,242.43 5,704.83		
BEFORE TAX DEDUCTIONS				AFTER TAX DEDUCTIONS		
		Current	Year-To-Date		Current	Year-To-Date
Sch Medical - Pre-Tax		198.00	396.00	Union Dues BLET- 458		212.00
				Child Support	300.00	1,200.00
				IRS Federal Tax Levy	1,713.48	7,251.55
				Support Fee	2.50	10.00
TOTAL BEFORE TAX DEDUCTIONS			198.00 396.00	TOTAL AFTER TAX DEDUCTIONS 2,015.98 8,673.55		
Messages:				YTD Federal Tax Base 15,707.38		
				YTD Tier I Tax Base 15,707.38		
				YTD Tier II Tax Base 15,707.38		

* Indicates Prior Period Amount(s)

Not included in Gross but taxed

RETAIN THIS STATEMENT FOR YOUR RECORDS